Atty. Docket No. 17616-856

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	PATENT APPLICATION
Inventor(s): Hugh Sharkey, et al..	
	Group Art Unit: Not Yet Assigned
Application No.: Not Yet Assigned	
	Examiner: Not Yet Assigned
Filed: Herewith	
Title: METHOD OF TREATING INTERVERTEBRAL DISC TISSUE EMPLOYING ATTACHMENT MECHANISM	

PRELIMINARY AMENDMENT

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Prior to an examination on the merits of the above-identified application please amend the application as follows:

In the Specification:

Please replace the paragraph beginning at page 5, line 9, with the following rewritten paragraph: --

This application is a continuation of U.S. Application Serial No. 09/792,628, filed February 22, 2001, which claims the priority of U.S. Provisional Application No. 60/185,221 filed on February 25, 2000, which are fully incorporated by reference herein.

In the Claims:

Please delete claims 1-52.

Please add the following new claims --

52. A method for treating an intervertebral disc comprising:

delivering an introducer into or adjacent to an intervertebral disc;

extending a guide wire from a distal end of the introducer such that the guide wire is positioned within the intervertebral disc;

attaching a distal portion of the guide wire to an inner wall of the disc ; and

advancing a probe along the guide wire such that the probe follows a path of the guide wire within the intervertebral disc.

53. A method according to claim 52 wherein attaching the guide wire to the inner wall of the disc comprises inserting a distal portion of the guide wire into the inner wall.

54. A method according to claim 53 wherein inserting comprises hooking a distal portion of the guide wire into the inner wall.

55. A method according to claim 53 wherein the distal portion of the guide wire comprises an retractable hook, the method further comprising hooking the retractable hook into the inner wall.

56. A method according to claim 53 wherein the distal portion of the guide wire comprises multiple hooks, the method further comprising hooking the multiple hooks into the inner wall.

57. A method according to claim 52 wherein extending the guide wire is accomplished by applying a longitudinal force to the guide wire which is sufficient to advance the guide wire through the nucleus pulposus and around the inner wall of an annulus fibrosus, but which force is insufficient for guide wire to puncture the annulus fibrosus.

58. A method according to claim 52 wherein the probe includes a functional element for performing a function, the method further including performing a function after the probe is advanced.

59. A method according to claim 52 wherein the probe includes an electromagnetic energy delivery device, the method further including delivering electromagnetic energy from the electromagnetic energy delivery device after the probe is advanced.

60. A method according to claim 59 wherein the electromagnetic energy delivered is selected from group consisting of coherent and incoherent light, radiofrequency, microwave, and ultrasound waves.

61. A method according to claim 59 wherein the electromagnetic energy delivery device comprises electrodes adapted to deliver RF energy.

62. A method according to claim 61 wherein the RF electrodes have a monopolar configuration.

63. A method according to claim 61 wherein the RF electrodes have a bipolar configuration.

64. A method according to claim 59 wherein the electromagnetic energy device comprises a resistive heating mechanism.

65. A method according to claim 52 wherein extending the guide wire is performed using a handle external to the person which comprises a guide wire control element for controlling the movement of the guide wire within the intervertebral disc.

66. A method according to claim 61 wherein the RF electrodes comprise a plurality of alternating one or more active and return electrodes which are positioned on the probe such that there are multiple pairs of an active band and a return band of the active and return electrodes adjacent each other.

67. A method according to claim 52 wherein the probe includes a lumen, the method further including delivering or aspirating material in the disc via the lumen.

68. A method according to claim 52 wherein the guide wire has sufficient flexibility in a direction of a disc place to be compliant with an inner wall of the annulus of the disc.

69. A method according to claim 52 wherein the distal portion of the guide wire is tapered to a smaller diameter toward the distal end.

70. A method according to claim 52 wherein at least a portion of the guide wire is actively steerable.

71. A method according to claim 52 wherein at least a portion of guide wire is radiographically visible.

72. A method according to claim 52 wherein the distal portion of the guide wire has one or more flat sides.--

REMARKS

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **"Version with markings to show changes made."**

CONCLUSION

Applicants submit this Preliminary Amendment prior to the examination of this application on the merits. Since the present amendment does not introduce new matter, Applicants respectfully request its entry prior to examination of the present application.

Respectfully submitted,

Date: June 18, 2001

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the specificiation:

The paragraph beginning at page 5, line 9, has been amended as follows:

This application is a continuation of U.S. Application Serial No. 09/792,628, filed February 22, 2001, which [This application] claims the priority of U.S. Provisional Application No. 60/185,221 filed on February 25, 2000, [entitled "Apparatus And Method For Accessing And Performing A Function Within An Intervertebral Disc." The above application is hereby incorporated herein by reference.] which are fully incorporated by reference herein.